

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

Before the Commissioner of Financial and Insurance Services

**Office of Financial and Insurance
Services,**

Petitioner,

v

**Case No. 04-426-L
Docket No. 2004-1013**

Brian Winborn,

Respondent.

For the Petitioner:

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For the Respondent:

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**Issued and entered
this 17th day of March 2005
by John R. Schoonmaker
Special Deputy Commissioner**

**AMENDED ORDER DENYING
REQUEST FOR RECONSIDERATION**

The Commissioner issued a Final Decision in this matter dated February 24, 2005. The Commissioner ordered as follows:

Therefore, it is ORDERED that the Respondent is prohibited from being employed by, an agent of, or control person of a licensee or registrant under the Mortgage Brokers, Lenders and Servicers Licensing Act or licensee or registrant under a financial licensing act.

The Respondent has filed a Request for Reconsideration dated March 14, 2005.

The Respondent contends that the Commissioner lacked jurisdiction for entering this order because the Respondent was not a licensee or registrant under the Mortgage Brokers, Lenders, and Servicers Licensing Act.

The Commissioner entered her order under MCL for 45.1668a(1), which provides:

If in the opinion of the commissioner a person has engaged in fraud, the commissioner may serve upon that person a written notice of intention to prohibit that person from being employed by, an agent of, or control person of a licensee or registrant under this act or a licensee or registrant under a financial licensing act....

"Person" and "Registrant" are separately defined in MCL for 45.1651a as follows:

As used in this act, unless the context requires otherwise:

(p) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(t) "Registrant" means a person registered or required to be registered under this act.

Thus, there was no requirement that the Respondent be a registrant to be subject to MCL for 45.1668a(1). As the Respondent is a "person," the Commissioner had jurisdiction over him to enter the order.

Therefore, it is ORDERED that the request for rehearing is denied.